

REMARKS

This is in full and timely response to the above-identified Office Action. The above listing of the claims replaces all prior versions, and listings, of claims in the application. Reexamination and reconsideration in light of the proposed amendments and the following remarks are respectfully requested.

The title and the abstract have been respectively amended in a manner which overcomes the objections that have been raised in connection therewith. The claims have been amended in a manner which renders them both clear and distinct and overcomes the rejections under 35 USC § 112 second paragraph.

The rejection of claims 1-11 under 35 USC § 102(e) as being anticipated by Nishide, is respectfully traversed. In addition to overcoming the rejections under 35 USC § 112, the amendments also clarify the subject matter which is set forth in the claims over that which is disclosed in the Nishide reference.

More specifically, at least one major difference between Nishide (USP 6,211,7841) and the claimed subject matter resides in the configuration of the sensitivity adjustment means. The tenor of the Office Action is such that the Examiner is equating the sensitivity setting control section 6 in the Nishide reference with the sensitivity adjustment means as recited in the pending claims.

However, Nishide merely discloses that the sensitivity setting control section 6 performs a sensitivity setting operation which automatically sets a threshold based on, for example, a maximum and a minimum of the quantity-of-received-light data (col. 6, lines 4-19). The sensitivity setting control section 6 of Nishide is not configured to adjust the power of the detection light emitted from the light projection unit and/or a conversion factor for the light received by the light reception unit to the detection value in such a manner that the detection value matches the adjustment target value. Indeed, no such configuration is disclosed or suggested in the Nishide reference, and there is no suggestion of presetting and storing the adjustment target value with respect to the detection value in Nishide.

Attention is called to the fact that the Nishide reference is in fact based on JP publication No. 9-252242 (Application No. 8-60864) which is disclosed in paragraph [0003] of the instant application. As will be appreciated, due to the absence of the sensitivity adjustment means and the target value storage unit, as recited in the pending claims, the photoelectric sensing system disclosed by Nishide would suffer from the drawbacks of complicated/troublesome setting of evaluation reference values such as threshold values for individual photoelectric sensors among a plurality of photoelectric sensors, in the very manner advanced under the heading of "Background of the Invention."

Favorable reconsideration of the claims as amended in this response is courteously solicited.

A new claim is presented for examination. This claim sets forth a combination of elements which are neither disclosed nor suggested in the art of record. Support for this new claim is found in the specification and originally filed claims.

Favorable reconsideration and allowance of this claims as they stand before the PTO is courteously solicited.

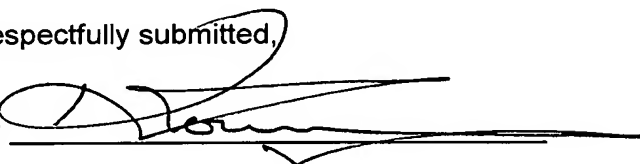
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